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Chair: Mr. Haniff. ..... (Malaysia)

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The meeting was called to order at 3.25 p.m.

Agenda item 65: Promotion and protection of the rights of children (*continued*)

Draft resolution A/C.3/66/L.24/Rev.1: The girl child

1. **The Chair** said that the draft resolution contained no programme budget implications.

2. **Mr. von Haff** (Angola), speaking on behalf of the Southern African Development Community (SADC), said that Algeria, Austria, Brazil, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Indonesia, Ireland, Kazakhstan, Latvia, Liechtenstein, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Poland, Portugal, Slovenia, Spain, Sweden, Thailand and United Kingdom of Great Britain and Northern Ireland had joined the sponsors.

3. While the draft resolution contained no major changes from previous versions, it sought to accommodate language and developments resulting from the outcome documents of various high-level meetings held in 2010 and 2011. The current theme was child-headed households, whose numbers had recently increased in some regions.

4. In the eighth preambular paragraph, the letter "s" had been added to the word "Meeting" to make it plural. In paragraph 19, the words "enact and" had been inserted immediately after the words "efforts to," so that the phrase read "Urges States to ensure that efforts to enact and implement legislation…"

5. **Mr. Gustafik** (Secretary of the Committee) said that Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Barbados, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Burundi, Chile, Colombia, Comoros, Congo, Costa Rica, Croatia, Egypt, Grenada, Guatemala, Guinea, Guyana, Honduras, Iceland, Jamaica, Japan, Kyrgyzstan, Lebanon, Lithuania, Monaco, Mongolia, Montenegro, Niger, Paraguay, Peru, Philippines, Republic of Moldova, Romania, Rwanda, San Marino, Senegal, Serbia, Slovakia, Suriname, the former Yugoslav Republic of Macedonia, Timor-Leste, United States of America, Uruguay, Uzbekistan and Vanuatu had joined the sponsors.

6. **Mr. Bené** (Observer for the Holy See) said that his delegation was concerned that the draft resolution might create a misleading impression that early pregnancy, per se, constituted a health risk. That was not supported by the report of the Secretary-General on the girl child (A/66/257), which limited its observations to complications arising during childbirth. In such cases, what was needed was prenatal and post-natal care for the mother and her child, as enshrined in article 24 of the Convention on the Rights of the Child, especially skilled birth attendants and appropriate emergency obstetric care.

7. The Holy See welcomed the references to the role of parents in the draft resolution. Parental priority was in the best interests of the child, as enshrined in article 26 of the Universal Declaration of Human Rights and article 18 of the Convention on the Rights of the Child. Without such guarantees, there was little to protect children from the coercive power of the State.

8. The Holy See reaffirmed its reservations regarding the draft resolution, in particular concerning the references to "sexual and reproductive health." The Holy See did not consider abortion or abortion services to be a dimension of such terms. With regard to the term "family planning," the Holy See in no way endorsed contraception or the use of condoms, either as a family planning measure or to prevent HIV/AIDS.

9. **Mr. Sammis** (United States of America) said that his country was committed to improving the lives of women and girls, not only because it was the right thing to do but also because it was the smart thing to do. His Government was committed to focusing on the empowerment of women and girls not only as beneficiaries but as agents of transformation. His delegation had sponsored the draft resolution with the understanding that its reaffirmation of prior documents applied to those who had initially affirmed them.

10. *Draft resolution A/C.3/66/L.24/Rev.1, as orally revised, was adopted.*

Draft resolution A/C.3/66/L.25/Rev.1: Rights of the child

11. **The Chair** said that the draft resolution contained no programme budget implications.

12. **Mr. Herczyński** (Poland), speaking on behalf of the European Union, the Group of Latin American and Caribbean States and all of the sponsors, said that Switzerland had joined the sponsors. The priority theme for the current year was the rights of children with disabilities. The next priority theme would be indigenous children. Indigenous children were more

likely to suffer multiple forms of discrimination and were in greater need of protection than other children.

13. Reading out oral amendments to draft resolution A/C.3/66/L.25/Rev.1, he said that in the third line of the sixth preambular paragraph, after the words "General Assembly," the word "and" should be deleted. In the third line of operative paragraph 1, the word "the" preceding the words "Optional Protocol" should be deleted and replaced with "its." In the same line, the "s" should be deleted from the end of "Protocols," and the word "thereto" should be deleted. In the fourth line, "its Optional Protocol" should be added after "and." In paragraph 2, "aforementioned" should be added in the sixth line after "the," and "thereto" should be deleted. In paragraph 8, the word "and" after the word "adoption" should be deleted and replaced by the word "or." In paragraph 11, after the word "any," the word "the" should be deleted. In the fourth line of paragraph 16, after the word "counselling," the word "and" should be deleted. In the third line of paragraph 18, after the word "and," (before "stresses"), the phrase "calls for its full implementation" should be added, and "the importance of the adoption and implementation by States of appropriate policies in this regard" should be deleted. In paragraph 19, the word "Also" should be added before "Reaffirms." In the first line of paragraph 20, the word "Also" should be deleted and replaced with "Further." In the sixth line of paragraph 23, after "children," the word "and" should be deleted. In that same line, the word "recurrent" should be added before the word "attacks." In the last line of paragraph 30, "the" should be deleted and replaced with "its." In the fifth line of paragraph 31, "towards" should be deleted and replaced with "to." In paragraph 32, the phrase "building national capacity for improving the living conditions of children with disabilities in every country, in particular in developing countries" should be deleted and replaced with "supporting national efforts for the realization of the rights of children with disabilities, recognizing the importance of undertaking appropriate and effective measures among States that aims at facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices." In the fifth line of paragraph 33, after the word "face," the phrase "violations of their human rights as well as" should be added. In the sixth line of the same paragraph, "as well as violations of their human rights in all parts of the world" should be deleted. Paragraph 35 should be deleted and replaced with the following paragraph: "Reaffirms that the eradication of poverty is essential to the achievement of all Millennium Development Goals and to the full realization of the rights of all children including those with disabilities and also reaffirms resolution A/RES/65/1 of 19 December 2010."

14. Continuing to read out oral revisions, he said that the new paragraph 35 bis should read as follows: "Recognizes that the majority of children with disabilities live in poverty, that mainstreaming disability issues is an important part of relevant strategies for sustainable development, and the importance of equitable access to economic opportunities and social services for children with disabilities, as close as possible to their own communities." In new paragraph 37 (formerly 36), in the first line, before "recognizes," "Also" should be deleted. In the second line, "and" should be deleted after the word "communities." The new paragraph 38 should read as follows: "Recognizes the importance of preventing the concealment, abandonment, neglect or segregation of children with disabilities and in this regard, encourages States to consider the introduction of a commitment towards replacing institutionalization with appropriate measures to support family and community care, and transferring resources to community-based support services and other forms of alternative care." In the new paragraph 40 (formerly 38), the word "also" should be added after "Recognizes" in the first line. In the second line, after "education," "of" should be deleted and replaced with "for." In the new paragraph 41 (formerly 39), there should be a comma after "ensure" and one after "others." In the third line of the same paragraph, the words "with disabilities" should be added after "girls." In the third line of the new paragraph 42 (formerly 40), after "States," the phrase "under international law, including international humanitarian law and international human rights law" should be added. In the sixth line of the same paragraph, "the" should be deleted following "by" and "review" should be changed to "reviewing." "Of" should be deleted. In the third line of the new paragraph 43, after "jurisdiction," "the" should be added. In the fourth line, "and" should be deleted after "disabilities." In the fourth line, after "in particular," the phrase "urges all States and regional integration organizations that have not yet done so" should be deleted. In the first line of the new paragraph 43 (a) (formerly 41 (a)) before "to," the phrase "Urges all States that have not yet done so"

should be added. In the third line of that paragraph, after "priority," the phrase "and invites regional integration organizations that have the relevant competence to do so, as defined in the Convention on the Rights of Persons with Disabilities, to consider accession to the Convention" should be added.

15. Continuing with the oral revisions, he said that the new paragraph 43 (d) (formerly 41 (d)) should read: "To ensure that children with disabilities have access to information on their rights, including through human rights education and training enabling them to contribute to identifying, preventing and acting upon violations of their rights." In the new paragraph 43 (g) (formerly 41 (g)), the words "General Assembly" should be added in the first line after the word "in." In the first line of the new paragraph 43 (h), (formerly 41 (h)) the word "disaggregate" should be added after "collect." In the second line, after "data," the word "disaggregated" should be deleted. In new paragraph 43 (i), (formerly 41 (i)), the word "of" should be deleted in the second line after "living" and replaced with "for." In the third line, following "with," "universal" should be deleted and replaced with "the equal." In the penultimate line, after "to," the word "those" should be added and the phrase "children with disabilities" should be deleted. In the new paragraph 43 (j) (formerly (41 (j)), the words "by law" following "prohibit" should be deleted. In the second line of the new paragraph 43 (k) (formerly 41 (k)), "health-care" should be changed to "health." In the third line, "to" after "and" should be deleted. After the word "strengthen," the phrase "the provision of" should be added. At the end of that line, the word "provisions" should be deleted. In the last line of the new paragraph 43 (l') (formerly 41 (l)), the word "for" should be added after "workforce," and "with a view to" should be deleted. In the first line of the new paragraph 43 (n) (formerly 41 (n)), after "develop," the word "strategies' should be added and the word "and" should be deleted. In the second line of the new paragraph 43 (o) (formerly 41 (o)), the word "of" should be deleted after "education" and replaced with "for." In the new paragraph 43 (q) (formerly 41 (q)) the phrase "on an equal basis with other children" should be moved from the third line to the first and placed after the word "right." In the second line of the new paragraph 43 (r) (formerly 41 (r)) following the word "disabilities," the words "during and after" should be added and the word "in" should be deleted. Also in the second line of that paragraph, the words "risk, including situations of" should be added after the word "of." In the sixth line, after the word "recovery," the word "and" should be deleted and the words "and rehabilitation" should be added after "reintegration." The original paragraph 44 should be deleted. In paragraph 45, "Takes note with appreciation" should be replaced with "Recognizes." In the same paragraph, the words "Office of" should be added before "Special Representative." The words "and paragraphs 35-37 of resolution 51/77 of 12 December 1996" should be added after the words "resolution 63/241." In paragraph 47 (f), following the word "resolution" in the third line, the phrase "entitled 'Rights of the child' on the rights of indigenous children" should be replaced with "entitled 'Rights of the child' on indigenous children."

The meeting was suspended at 4.00 p.m. and resumed at 4.20 p.m.

16. **Mr. Gustafik** (Secretary of the Committee) said that Algeria, Andorra, Azerbaijan, Belarus, Benin, Burkina Faso, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Egypt, Ethiopia, Guinea, India, Israel, Jordan, Kyrgyzstan, Liberia, Madagascar, Maldives, Mali, Mauritania, Micronesia (Federated States of), Mongolia, Morocco, Namibia, New Zealand, Nigeria, Philippines, Russian Federation, Rwanda, Senegal, Swaziland, Tajikistan, Tunisia, United States of America, Vanuatu and Zimbabwe had joined the sponsors.

17. **Mr. Butt** (Pakistan) said that his country was proud to be one of six co-initiators of the 1990 World Summit for Children, which had provided impetus for accelerated ratification of the Convention on the Rights of the Child. Pakistan had proposed an amendment to the draft resolution to go at the very end, as subparagraph 46 (g). The chapeau for the paragraph was '*Decides*.' The new subparagraph (g), would read: "that all mandate holders should exercise their functions independently, impartially and in full observance of their respective mandates."

18. The proposed amendment enjoyed the support of a number of delegations, including sponsors, and was an honest attempt to strengthen the text of the resolution, reiterating a statement of principle that was important to include.

19. **Mr. Herczyński** (Poland) said that the amendment proposed by Pakistan was not acceptable to the main sponsors of the draft resolution. Through the Chair, Pakistan was requested to withdraw its proposal.

20. **Mr. Butt** (Pakistan) said that the proposed amendment was an important statement of principle. Regrettably, the request made by the representative of Poland could not be accommodated.

21. **Mr. Herczyński** (Poland) requested a recorded vote on the amendment proposed by Pakistan.

Statements made in explanation of vote before the voting

22. **Ms. Ortigosa** (Uruguay) said that the draft resolution was a compromise consensus text. It was regrettable that a draft resolution on an issue as delicate as the rights of children and children with disabilities could not be adopted by consensus, as it had been during the previous session. The omnibus draft resolution was broad and inclusive, and its large number of sponsors and broad support confirmed that that focus must be maintained. Her delegation would vote against the proposed amendments.

23. **Mr. Abdullah** (Malaysia) reiterated his delegation's support for the gist of the draft resolution. However, his delegation had expected the main sponsors to take more views into consideration. References to the Optional Protocols to the Convention on the Rights of the Child were understood to apply only to those States which had acceded to them.

24. **Ms. Arias** (Peru) said that her delegation would vote against any amendment from the floor, hoping to maintain the integrity of the text as it stood.

25. **Ms. Khvan** (Russian Federation) said that the amendment proposed by Pakistan improved the text. Her delegation would vote in favour of it.

26. **Mr. Herczyński** (Poland) said that the text of the draft resolution was the result of extensive discussions conducted in a very transparent and open manner. Many delegations had decided whether or not to sponsor the draft resolution based on the last version presented to all participating delegations. It would be deeply disappointing if the draft resolution was not adopted by consensus, as had been the case for the last few years. The references to United Nations actors in the proposed amendment had an admonitory tone and gave the incorrect impression that mandate holders were operating outside their mandates. His delegation would therefore vote against the amendment proposed by Pakistan.

27. **Mr. Sammis** (United States of America) said that as a matter of procedural discipline, his delegation opposed all amendments from the floor. The proposed amendment by Pakistan was clearly aimed at one particular mandate holder. There were other, more appropriate ways to raise such issues. The draft resolution should remain focused on the rights of children with disabilities. The United States of America would vote against the proposed amendment.

28. **Ms. Andrea L.M. Wilson** (Jamaica) recalled that during the sixty-fifth session of the General Assembly, one mandate holder had publicly accused the Permanent Representative of Jamaica of speaking in a personal capacity after he delivered a statement prepared in capital. Her Government therefore supported the general principle of encouraging independent, impartial and objective conduct of the work of mandate holders. Her delegation's support for the amendment proposed by Pakistan in no way diminished its strong support for the rights of the child or for the draft resolution.

29. *At the request of the delegation of Poland, a recorded vote was taken on the amendment to draft resolution A/C.3/66/L.25/Rev.1 proposed by Pakistan.*

In favour:

Algeria, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Djibouti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kuwait, Malaysia, Mauritania, Myanmar, Namibia, Nicaragua, Oman, Pakistan, Philippines, Qatar, Russian Federation, Singapore, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Turkey, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Honduras, Hungary,

Iceland, Ireland, Israel, Italy, Japan, Kenya, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Senegal, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Afghanistan, Angola, Bhutan, Bolivia (Plurinational State of), Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Egypt, Ethiopia, Jordan, Kazakhstan, Kyrgyzstan, Lebanon, Nepal, Niger, Nigeria, Rwanda, Suriname, Trinidad and Tobago, Uzbekistan, Zambia.

30. *The amendment to A/C.3/66/L.25/Rev.1 proposed by Pakistan was rejected by 78 votes to 48, with 21 abstentions.*

31. **Ms. Alsalah** (Syrian Arab Republic) said that since the main focus of the draft resolution was disabled children, and in view of the situation of children whose disabilities had resulted from certain types of munitions used in wars, conflicts and foreign occupation, her delegation wished to make an oral amendment mentioning the Geneva Conventions. At the end of the third preambular paragraph, following the words "and Members of Their Families" a comma would be added, followed by the words "and all Geneva Conventions of 1949," with a full stop after "1949."

32. A few hours earlier, most States represented in the Committee had called for the defence of human rights in certain countries. Those same States should now defend the human rights of children who had been disabled in wars and armed conflicts, by voting for the oral amendment just proposed.

Statements made in explanation of vote before the voting

33. **Mr. Sammis** (United States of America) requested a recorded vote on the oral amendment proposed by the Syrian Arab Republic. His delegation would vote against the oral amendment, based on substance and unrelated to other matters currently before the Third Committee. The third preambular paragraph of the draft resolution was agreed language from the previous year. The oral amendment proposed by the Syrian Arab Republic had been discussed at length during informal meetings, and it had been deemed preferable to retain the language of the third preambular paragraph from the previous year. The section of the draft resolution on children affected by armed conflict contained references to the First to Fourth Geneva Conventions. That was acceptable to the United States of America. Such issues should be dealt with in informal consultations and not relitigated in the plenary.

34. **Mr. Herczyński** (Poland) said that his delegation would vote against the oral amendment proposed by the Syrian Arab Republic to preserve the integrity of the text, which was the result of extensive consultations. Many sponsors had chosen to sponsor the draft resolution based on the text as it stood.

35. *At the request of the United States of America, a recorded vote was taken on the amendment to draft resolution A/C.3/66/L.25/Rev.1 proposed by the Syrian Arab Republic.*

In favour:

Bahrain, Bangladesh, Belarus, Benin, China, Cuba, Democratic People's Republic of Korea, Egypt, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Libya, Mauritania, Nicaragua, Oman, Pakistan, Qatar, Russian Federation, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen.

Against:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru,

Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, San Marino, Senegal, Serbia, Slovakia, Slovenia, Spain, Suriname, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Bhutan, Bolivia (Plurinational State of), Brunei Darussalam, Cambodia, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Guinea, Indonesia, Jamaica, Kazakhstan, Kenya, Kyrgyzstan, Malaysia, Namibia, Nepal, Niger, Nigeria, Philippines, Singapore, South Africa, Sri Lanka, Sudan, Trinidad and Tobago, Uganda, Uzbekistan.

36. *The amendment to A/C.3/66/L.25/Rev.1 proposed by the Syrian Arab Republic was rejected by 78 votes to 26, with 27 abstentions.*

37. *Draft resolution A/C.3/66/L.25/Rev.1, as orally revised, was adopted.*

38. **Mr. Bené** (Observer for the Holy See) welcomed the language in the draft resolution calling upon all States to take measures to prohibit the forced abortion and sterilization of children on grounds of disability. It was important not only as a matter of non-discrimination, but primarily because such practices constituted human rights violations. His delegation was dismayed that proposed language prohibiting such practices by law had not been accepted by all delegations.

39. The Universal Declaration of Human Rights affirmed that everyone had the right to life, liberty and security of person; that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment; that everyone had the right to recognition everywhere as a person before law; and that all were equal before the law and were entitled without any discrimination to equal protection of the law. Those foundational human rights principles must be taken fully into account and implemented by all Governments.

40. His delegation stressed its reservations about references to "sexual and reproductive health" in the draft resolution. It was also dismayed that some delegations would not reject discrimination against children on the basis of disability during their prenatal development, when they were most threatened. The Convention on the Rights of the Child explicitly affirmed that children needed special safeguards and care, including appropriate legal protection "before as well as after birth." Because that language was in the Preamble of the Convention, it was a constitutive element of that Convention and was the perspective through which the rest of the Convention must be interpreted, including article 1, which defined a child as every human being below the age of eighteen years, and article 24 (d), which referred to prenatal and post-natal health care.

41. States must fully respect the rights, responsibilities and duties of parents, particularly whenever children with disabilities were concerned.

42. The Universal Declaration on Human Rights affirmed parents' prior right to choose the kind of education that their children would receive, and the Convention on the Rights of the Child affirmed parents' or legal guardians' primary responsibility for the upbringing and development of the child. That applied not only to education but to all aspects of children's development, including the important area of human sexuality.

43. **Ms. Alsaleh** (Syrian Arab Republic) said that her country deployed strenuous efforts to care for children in the framework of a comprehensive national programme for children, especially those with special needs. Regrettably, the international community was not shouldering its responsibilities and including a specific reference in the draft resolution to the suffering of children chafing under the yoke of foreign occupation, especially with regard to the challenges faced by children with disabilities.

44. Occupying Powers must be urged to provide protection and care for children under their occupation. Mines in occupied territories had maimed and disabled thousands of children. The Syrian Arab Republic understood the section of the draft resolution on children affected by armed conflicts to apply in full to the situation of children under foreign occupation. Her delegation reserved the right to interpret some paragraphs of the draft resolution on adoption and other alternative means of care in a manner that conformed to national legislation. The Special Representative of the Secretary-General for Children and Armed Conflict should abide by her mandate and

not forget the suffering of Syrian children under Israeli occupation in the occupied Syrian Golan.

45. **Mr. Sammis** (United States of America) said that his country's efforts in favour of children with disabilities included the Individuals with Disabilities Education Act, which mandated programmes and services and provided support for states and municipalities in guaranteeing individuals with disabilities a free and appropriate public education. The Act supported the education of over 6 million children and youth and 322,000 toddlers and infants with disabilities. Over three decades, as a result of the legislation, many children with disabilities had received high-quality early interventions that prevented or reduced future needs for services.

46. The draft resolution did not imply that States must become parties to instruments to which they were not party, nor did it imply obligations under human rights obligations to which they were not party. In sponsoring the draft resolution, the United States of America did not recognize any change in treaty, customary or international law.

47. **Ms. Khvan** (Russian Federation) said that the main sponsors, the European Union and the Group of Latin American and Caribbean States, had been incapable of constructive dialogue and had been unwilling or unable to work with other States to achieve compromise. A decision had been made to advance only those issues that were of interest to them, without taking into account the opinions of other States. Sponsorship was not only a right but a great responsibility, and the document would be implemented not only in the Member States of the European Union and the Group of Latin American and Caribbean States, but worldwide.

48. **The Chair** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Committee on the Rights of the Child (A/66/41), the note by the Secretary-General transmitting the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/66/228) and the report of the Secretary-General on the girl child (A/66/257).

49. *It was so decided.*

Agenda item 67 Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*)

Draft resolution A/C.3/66/L.68/Rev.1: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

50. **The Chair** said that the draft resolution contained no programme budget implications.

51. **Mr. Cesa** (Argentina), speaking on behalf of the Group of 77 and China, said that its members were steadfastly opposed to racism, colonialism and slavery, phenomena that had historically affected them.

52. Changes would be made to the draft resolution. The third preambular paragraph should end after the word "Standards." In that paragraph, the final phrase, which read "and encouraging the Committee to continue making progress in the discharge of its mandate," should be deleted. In the fourth preambular paragraph, the word "obligations" should be replaced by the word "commitments." In the twelfth preambular paragraph, the phrase "successful realization of commitments" should be changed to read "successful realization of primary objectives and commitments." In the fifteenth preambular paragraph, the initial phrase "Welcoming also" should be changed to "Noting." In the sixteenth preambular paragraph, the initial phrase, "Welcoming further " should be changed to "Taking note of." In the seventeenth preambular paragraph, "Welcoming" should be changed to "Taking note of."

53. At the end of paragraph 4, the words "in this regard" should be added. In paragraph 10, the words "or belief" should be added after the word "religion." At the end of paragraph 11, the following passage should be added: "we affirm further that the dissemination of ideas based on racial superiority, hatred, or incitement to racial discrimination, as well as all acts of violence or incitement to such acts shall be declared offences punishable by law in accordance with the international obligations of States and that those prohibitions are consistent with freedom of opinion and expression." Paragraph 24 should read, "Welcomes the work of the Committee in combating

racism, racial discrimination, xenophobia and related intolerance on the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee." In paragraph 42, the following phrase should be added after the word "concerned": "individuals, and the involvement of all concerned groups of individuals in the design and implementation of the exercise." At the end of paragraph 43, the words "in combating racism, racial discrimination, xenophobia and related intolerance" should be added. The same words should be added at the end of paragraph 45. Paragraph 49 should end with the word "Action." The phrase beginning with the word "including" and running to the end of the paragraph should be deleted. In paragraph 54, the words "are on an equal footing with" should be replaced with "have the same status as." Paragraph 55 should be deleted. At the beginning of paragraph 60, the words "*Also welcomes*" should be replaced with "*Takes note of.*" The phrase which followed, which read "and the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action" should be deleted. The phrase "and underlines the importance of improving their effectiveness" should be added at the end of the paragraph. Paragraphs 62 and 63 should be merged to form a single paragraph which would read as follows: "*Further to* the recommendation of the Working Group of Experts on People of African Descent at its tenth session to proclaim a decade for people of African descent, encourages the Working Group to develop a programme of action, including a theme, for adoption by the Human Rights Council, with a view to proclaiming a decade for 2013 to 2023." In paragraph 65, the words "emphasizes the importance" should be changed to "takes note." Paragraph 68 should be changed to read as follows: "*Expresses serious concern* at past and recent incidents of racism in sports and sports events, and, in this context, welcomes efforts of sports governing bodies to combat racism, including by pursuing anti-racism initiatives, and by developing and applying disciplinary codes that apply sanctions for racist acts." In paragraph 71, the words" in this regard" at the end should be changed to "in combating racism, racial discrimination, xenophobia and related intolerance." In paragraph 72, the words "*Strongly recommends*" should be changed to "*Reiterates its recommendation.*"

54. **Mr. Gustafik** (Secretary of the Committee) said that the Russian Federation had joined the sponsors.

Statements made in explanation of vote before the voting

55. **Ms. Furman** (Israel) said that in light of her people's unique history, Israel had always been a strong advocate against racism, racial discrimination, xenophobia and related intolerance. Ten years earlier, Israel had joined other countries in Durban with high expectations for cooperation against the plague of racism. Unfortunately, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa in 2001 had been hijacked by a small group of States whose sole purpose in attending the conference had been to demonize Israel. The majority of States, who were sincere in their desire to fight racism, had not spoken up, nor had they rejected the attempts to politicize the conference. Sadly, the conference in Durban had been taken over by States who wanted to attack Israel more than they wanted to fight racism. The conference became a vehicle for the advancement of hatred, intolerance, anti-Semitism and intolerance of the State of Israel. Faced with unabashed hostility in the conference hall and in the streets of Durban, Israel had been compelled to withdraw. For that reason, Israel had not taken part in the Durban Review Conference in 2009 or the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action.

56. The draft resolution contained elements that, on their own, would have been positive. However, the Durban Declaration and Programme of Action was contaminated with political paragraphs which should not have been there in the first place. Therefore, Israel could not join the consensus. It could do so only if the draft resolution contained a clear call to implement only the universal issues that were in the Durban Declaration and Programme of Action, dropping the political paragraphs that had compelled Israel to leave.

57. The Jewish people had fought racism throughout history, and Israel remained committed to that goal. It was regrettable that ten years after Durban, the Member States had yet to find the political will to rectify the wrongs of the Durban Conference and the

Durban Declaration and Programme of Action. For those reasons, Israel had called for a recorded vote and would vote against the draft resolution.

58. **Mr. Sammis** (United States of America) said that the deep commitment of the United States of America to combating racism and discrimination was rooted in the saddest chapters of the country's history. While greatly concerned about speech advocating national, racial or religious hatred, especially when it included incitement to violence, his delegation believed that the best antidotes were robust legal protections against discrimination and hate crimes, proactive government outreach to racial and religious groups and vigorous freedom of expression, rather than bans and punishments.

59. Following attempts to achieve a constructive outcome, the United States of America had withdrawn from the deeply flawed Durban process two years earlier. The Durban Declaration and Programme of Action, which unfairly singled out Israel and endorsed overly broad restrictions on freedom of expression, had been reaffirmed in its entirety at the outcome of the Durban Review Conference.

60. The United States of America had supported declaring 2011 the International Year for People of African Descent and had worked on important programmes to combat racism, including special sessions at the Organization of American States, bilateral work with Brazil and Colombia and programming at United States embassies around the world.

61. **Mr. Herczyński** (Poland), speaking on behalf of the European Union, said that during negotiations, the European Union had aimed to re-establish a clear focus on the necessary fight against racism; avoid confusing racism with religious intolerance; ensure conformity with international law; protect all individuals from racism, regardless of the community or group to which they belonged; and recall that States had the primary responsibility to combat racism.

62. With regard to the primary responsibility of States and restoring focus on a more correct approach to the Durban process, the concerns of the European Union had been met. However, other parts of the draft resolution introduced restrictions on freedom of expression that were not in accordance with international law. The European Union regretted selective references in the draft resolution to particular groups, as all individuals should be protected against racism or discriminatory acts regardless of ethnic, religious or other identification. References to intolerance on the basis of religion or belief should not be part of a resolution on combating racism. The proposal to declare a United Nations Decade for People of African Descent needed further consideration.

63. A shorter, more focused resolution might aid in achieving a clear, non-controversial message. The Group of 77 and China was requested to rethink the draft resolution and take a fresh approach. The member States of the European Union would abstain.

64. **Mr. Vigny** (Switzerland), speaking also on behalf of Iceland, Liechtenstein and Norway, said that during the current session, the negotiations had been transparent and inclusive, and many concerns had been positively accommodated. Iceland, Liechtenstein, Norway and Switzerland would therefore vote in favour of the draft resolution, whereas during the previous session, they had abstained.

65. **Ms. Vaz Patto** (Portugal) expressed appreciation of the amendment that reflected divergent views on the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards and welcomed improved language on combating incitement to racial discrimination and its incompatibility with freedom of expression. It was encouraging that the sponsors had agreed to postpone for a year proclamation of a Decade for People of African Descent. The extra time should be used to develop an adequate programme of action on combating racism, discrimination and xenophobia, bearing in mind the need to avoid a hierarchy of victims.

66. The dynamics of negotiations during the current session and some remaining concerns on safeguarding freedom of expression unfortunately prevented her delegation from voting in favour of the draft resolution. However, the negotiations seemed to mark the beginning of a new dialogue on racism in human rights forums at the United Nations. Differences had narrowed.

67. *At the request of Israel, a recorded vote was taken on draft resolution A/C.3/66/L.68/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize,

Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Israel, Marshall Islands, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland.

68. *Draft resolution A/C.3/66/L.68/Rev.1 was adopted by 126 votes to 5, with 43 abstentions.*

69. **Mr. De Léon Huerta** (Mexico) supported by **Mr. Fiallo** (Ecuador) said that his delegation disagreed with the elimination of the reference to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families from operative paragraph 49. That was agreed language from the previous session, and the Convention was relevant to the fight against discrimination, racism and xenophobia, as migrants were one of the groups most affected by the scourge of racism.

70. **The Chair** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Committee on the Elimination of Racial Discrimination on its seventy-eighth and seventy-ninth sessions (A/66/18) and the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/66/328).

Agenda item 68: Right of peoples to self-determination (*continued*)

Draft resolution A/C.3/66/L.61: The right of the Palestinian people to self-determination

71. **The Chair** said that the draft resolution contained no programme budget implications.

72. **Mr. Gustafik** (Secretary of the Committee) said that Albania, Andorra, Austria, Bulgaria, Cape Verde, Chile, Cyprus, Denmark, Dominican Republic, El Salvador, Equatorial Guinea, Gabon, Gambia, Greece, Guinea-Bissau, Guyana, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Malta, Monaco, Myanmar, Niger, Nigeria, Norway, Oman, Republic of Moldova, Romania, South Africa, Sweden, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania and Uzbekistan had joined the sponsors.

73. **Mr. Selim** (Egypt) said that Antigua and Barbuda, Barbados, Bosnia and Herzegovina, Botswana, Costa Rica, Croatia, Eritrea, Estonia, Finland, France, Ghana, Ireland, Italy, Jamaica, Liberia, Mauritius, New Zealand, Paraguay, Portugal, Rwanda, San Marino, Senegal, Serbia, Seychelles, Suriname, Switzerland, Timor-Leste and Zambia had joined the sponsors. The inalienable right to self-determination was enshrined in international law and

international human rights instruments. It was thus not a gift from the international community to be bestowed upon those living under colonialism and foreign occupation. The Palestinian people had been counting on the support of the international community for six decades to ensure their right to full enjoyment of self-determination and put an end to the Israeli occupation and exploitation of their lands.

74. Adoption of the draft resolution by consensus would contribute to enabling the Palestinian people to establish on their land the independent, sovereign and viable State of Palestine with East Jerusalem as its capital.

Statements made in explanation of vote before the voting

75. **Ms. Furman** (Israel) said that history had shown that peace must be negotiated and could not be imposed from outside. Only Israelis and Palestinians sitting together at the negotiating table could make the difficult compromises necessary to create two States for two peoples living side by side in peace and security. Speaking at the United Nations in September, Prime Minister Netenyahu had issued a clear call to the Palestinians to start direct bilateral negotiations immediately, without preconditions. While Israel had demonstrated its readiness to recognize Palestinian national aspirations for self-determination, the Palestinians must also accept that Israel was the homeland of the Jewish people and recognize the right of Israelis to live in security and peace.

76. The draft resolution one-sidedly affirmed self-determination for Palestinians. While it expressed a general need for resumption of negotiations, it failed to call on the Palestinians to resume direct bilateral negotiations with Israel. The draft resolution brought no direct relief or benefit to the Palestinians. Progress towards realization of the national aspirations of the Palestinian people would come only through genuine negotiations and agreement between the Palestinians and Israel, not through disingenuous draft resolutions such as the one currently before the Committee. Israel had therefore called for a vote and would vote against the draft resolution.

77. *At the request of Israel, a recorded vote was taken on draft resolution A/C.3/66/L.61.*

In favour:

Afghanistan, Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Canada, Israel, Marshall Islands, Micronesia (Federated States of), United States of America.

Abstaining:

Cameroon, Haiti, Togo, Vanuatu.

78. *Draft resolution A/C.3/66/L.61 was adopted by 166 votes to 5, with 4 abstentions.**

79. **Mr. Díaz Bartolomé** (Argentina) said that he wished to reaffirm his country's commitment to the inalienable right of the Palestinian people to build a viable and independent State. Argentina had voted in favour of the draft resolution, in accordance with the Government's 2010 recognition of Palestine as a free and independent State within the 1967 borders and in line with the outcome of negotiations between the parties.

80. The decision to recognize the Palestinian State was a reflection of its commitment to promoting negotiations that would lead to an end of the conflict, as well as of its desire to see all peoples live together peacefully. Argentina likewise reaffirmed its irrevocable support for Israel's right to be recognized and to live in peace and security within internationally recognized boundaries.

81. In accordance with paragraph 1 of General Assembly resolution 1514 (XV), a people's right to exercise self-determination applied in cases of alien subjugation, domination or exploitation. In the absence of such a precondition no right to self-determination could be said to exist. The case of the Malvinas Islands involved the illegal occupation of a part of Argentine territory by the United Kingdom, which had expelled the Argentine population and authorities and replaced them with its own. In consequence, the principle applicable to the question of the Malvinas Islands was not self-determination but territorial integrity, as established by all relevant resolutions of the General Assembly and the Special Committee on decolonization, which recognized the conflict as a special and particular colonial situation involving a sovereignty dispute between the two parties. A settlement would therefore require the resumption of bilateral negotiations to find a just and definitive solution that took into account the interests of the islands' inhabitants.

82. Argentina welcomed the adoption of the draft resolution, which would contribute to the self-determination the Palestinian people, including their right to an independent State.

83. **Mr. Duddy** (United Kingdom), speaking in exercise of the right of reply to the statement made by the representative of Argentina, said that his country had no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands, as well as the surrounding maritime areas. It attached great importance to the principle of self-determination, as set out in Article 1, paragraph 2 of the Charter of the United Nations and in article 1 of the International Covenant on Civil and Political Rights. That principle was the basis of its position on the Falklands Islands and there could be no negotiations regarding sovereignty unless and until such time as the inhabitants so wished.

84. **Ms. Rasheed** (Observer for Palestine) said that she wished to thank all of the delegations that had voted in favour of the draft resolution. The massive show of support and the near unanimous votes in favour of the resolution had come at a historic time for the Palestinian people as they sought to realize their inalienable right to self-determination.

85. That overwhelming support made it all the more necessary to reflect on the negative vote cast by Israel, which had continued to pursue its relentless expansion of settlements throughout the occupied Palestinian territories, including East Jerusalem. It served as additional proof that the Israeli Government rejected the possibility of a peace settlement based on the principle of two States living side by side in peace and security. In order for a just peace to be achieved, the basic right to self-determination had to be mutually recognized by both parties. That right was not one of the permanent status issues nor had it ever been. It was not up for negotiation nor would it ever be, but was an inalienable right which belonged to all peoples, including the Palestinian people, who had been deprived of its enjoyment for far too long.

86. Contrary to the statements made by the Israeli representative peace would not be secured through the continued application of illegal Israeli policies in the Occupied Palestinian Territories. The two-State solution, which enjoyed broad international support, was in serious jeopardy as a result of Israel's illegal policies and practices. Its continued intransigence, which was evident in its colonization of Palestinian

* The delegation of Algeria subsequently said that it had intended to vote in favour of the draft resolution.

lands and its construction of the partition wall, was the main obstacle to peace.

87. The recognition of an independent Palestinian State with East Jerusalem as its capital and within the pre-1967 borders was essential to secure the peace the Palestinian people yearned for. They would continue to appeal to the international community to stand with right above might in their long struggle to end the Israeli occupation of Palestinian lands and to achieve their long-overdue right to self-determination.

88. **Mr. Díaz Bartolomé** (Argentina), speaking in exercise of the right of reply to the statement made by the representative of the United Kingdom, said that, as stated by Argentina's Minister for Foreign Affairs at a meeting of the Special Committee on decolonization held on 21 June 2011, the Government of Argentina considered the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas to be an integral part of Argentine national territory. They had been illegally occupied by the United Kingdom of Great Britain and Northern Ireland and were the subject of a sovereignty dispute that had been recognized by a number of international organizations.

89. The illegal occupation had prompted the United Nations General Assembly to adopt a series of resolutions, which recognized the existence of the sovereignty dispute and called on the two Governments to resume negotiations in order to find a peaceful solution to the dispute.

90. The Special Committee on decolonization had likewise pronounced itself on the matter, most recently in its resolution of 21 June 2011, as had the General Assembly of the Organization of American States. His Government reaffirmed its legitimate rights of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which were an integral part of Argentina's territory.

91. **The Chair** suggested that in accordance with General Assembly decision 55/488 the Committee should take note of the report of the Secretary-General on the universal realization of the right of peoples to self-determination (A/66/172).

92. *It was so decided.*

Agenda item 69 (b) Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)*

Draft resolution A/C.3/66/L.34/Rev.1: Human rights and cultural diversity.

93. **The Chair** said that the draft resolution contained no programme budget implications.

94. **Ms. Astiasaran Arias** (Cuba), introducing the draft resolution on behalf of the Non-Aligned Movement, said that all cultures and civilizations contributed to the enrichment of humanity. Promoting and protecting human rights and respecting cultural diversity was therefore essential to ensuring international peace and security. On behalf of the 120 members of the Non-Aligned Movement she called for the support of all delegates in adopting the draft resolution.

95. **Mr. Herczyński** (Poland), speaking on behalf of the European Union, said the European Union attached great importance to the defense and promotion of cultural diversity, the manifold ways in which cultures and groups found expression. Cultural diversity could be promoted and protected only if human rights and fundamental freedoms, such as the freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, were guaranteed. Media pluralism and freedom of assembly and of association were essential for the expression of cultural diversity.

96. While the significance of national and regional particularities had to be borne in mind, it was the primary duty of States, regardless of their political, economic or cultural systems, to promote and protect human rights and fundamental freedoms. No room should be left for unacceptable attempts at cultural relativism. To that end the European Union had proposed inserting in the text of the draft resolution a paragraph reaffirming the UNESCO Universal Declaration on Cultural Diversity, preventing cultural diversity from being invoked in order to infringe on human rights guaranteed by international law; regrettably that proposal could not be accommodated.

97. The European Union was likewise concerned by the reference made in the draft resolution to universally accepted human rights, which could be misinterpreted

to imply the existence of human rights which were not universal. Its proposals were based on agreed language adopted in many resolutions within the General Assembly and the Human Rights Council, and it regretted that the draft text did not reflect any of its concerns. His delegation therefore requested that a recorded vote should be taken on the draft resolution. The Member States of the European Union would vote against the draft resolution and requested that all delegations do likewise.

98. *At the request of the representative of Poland, a recorded vote was taken on draft resolution A/C.3/66/L.34/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Serbia.

99. *Draft resolution A/C.3/66/L.34/Rev.1 was adopted by 118 votes to 52, with 2 abstentions.**

100. **Mr. Sammis** (United States of America) said that his country continued to support the promotion of cultural pluralism, tolerance, cooperation and dialogue among individuals from different cultures and civilizations. All Governments were responsible for protecting the rights and freedoms set out in international human rights law. The Charter of the United Nations committed the international community to cooperate in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction of race, sex, language or religion.

101. Cultural diversity had played a critical role in the history of his own country, demonstrating that cultural diversity could strengthen human rights. There was concern, however, that the concept of cultural diversity as put forward in the draft resolution could be misused to legitimize human rights abuses. Human rights were universal and respect for them enhanced respect for diversity. Efforts to promote cultural diversity should not infringe on the enjoyment of human rights nor justify limitations on their scope.

* The delegations of India and Paraguay subsequently said that they had intended to vote in favour of the draft resolution.

102. By raising the concept of cultural diversity to the level of an essential objective while failing to reflect concerns about its potential misuse, the draft resolution misrepresented the relationship between cultural diversity and international human rights law. A more balanced characterization of cultural diversity and its relationship with human rights law was presented in Human Rights Council resolution 1715 on the promotion of the enjoyment of cultural rights of everyone and respect for cultural diversity.

103. His country furthermore believed that UNESCO should not take up initiatives aimed at promoting intercultural dialogue on human rights. For those and other reasons his delegation had voted no on the draft resolution. It likewise strongly endorsed the concerns raised by the representative of Poland speaking on behalf of the European Union.

104. **Ms. Murillo Ruin** (Costa Rica) said that her delegation had voted in favour of the draft resolution because her country attached particular importance to cultural diversity. However, its paragraph 14 could not be understood to imply an acceptance of cultural multilateralism, which should be rejected with respect to human rights. Human rights should be defended as universal, interdependent and interrelated.

Draft resolution A/C.3/66/L.35/Rev.1: The right to development.

105. **The Chair** said that the draft resolution contained no programme budget implications.

106. **Ms. Astiasaran Arias** (Cuba), introducing the draft resolution, said that China had become a sponsor. As a result of lengthy informal consultations the following oral amendments had been proposed: a new paragraph 18 bis should be inserted to read: "*Recognizing* that while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify abridgment of internationally recognized human rights". A new preambular paragraph 18 ter should be inserted to read: "*Recognizing* that Member States should cooperate with each other in ensuring development and eliminating obstacles to development, and that the international community should promote an effective international cooperation for the realization of the right to development and the elimination of obstacles to development, and that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level". Both paragraphs were derived from paragraph 10 of the Vienna Declaration and Programme of Action.

107. In paragraph 10, the comma following the word "nature" in the penultimate line should be deleted. In the fourth line of paragraph 35 the words "through support for" should be replaced with "in support of". The paragraph should thus read: "*Recalls* the Convention on the Rights of Persons with Disabilities, which entered into force on 3 May 2008, and stresses the need to take into consideration the rights of persons with disabilities and the importance of international cooperation, inter alia, in support of national efforts in the realization of the right to development."

108. **Mr. Selim** (Egypt), speaking on behalf of the Non-Aligned Movement, said that the full realization of the right to development and the right of peoples under foreign occupation and colonial domination to self-determination, together with respect for the sovereignty and territorial integrity of Member States, were fundamental to promoting a culture of peace and establishing friendly relations among nations as set out in the Charter of the United Nations.

109. The Movement had believed in the importance of implementing a constructive approach to protecting all human rights and fundamental freedoms at the national and international levels. Equal treatment should be given to both civil and political rights and economic, social and cultural rights, including the right to development. The Heads of State of the Non-Aligned Movement had reaffirmed at their fifteenth summit the need to continue promoting all universally-recognized human rights through constructive international dialogue, capacity-building and technical assistance. They further gave due consideration to the negative impact of unilateral economic and financial coercive measures on the realization of the right to development.

110. Noting the interdependence of countries and the varying levels of human development worldwide, the Movement reaffirmed the need for a new global human order aimed at reversing the growing disparity between rich and poor through the elimination of poverty, full and productive employment and social integration. The global economic crisis had adversely affected developing countries and represented a serious setback to the realization of the right to development. It was

therefore imperative that the crisis should be addressed by promoting human development through sustained economic growth and the elimination of extreme poverty.

111. The United Nations should prioritize the right to development through the elaboration of a convention on the right to development and should mainstream the right to development in the policies of its specialized agencies and funds. His delegation regretted that certain delegations continued to insist on putting the issue to a vote.

112. **Ms. Phipps** (United States of America) said that ways should be considered to make the right to development a unifying rather than a divisive issue on the international human rights agenda. Fostering development continued to be a cornerstone of its international engagement, and the United States continued to be the largest donor of foreign development assistance. A new global development policy had been announced in September 2011 to guide its overall development efforts, placing a premium on broad-based economic growth, democratic governance, innovations and enduring systems for meeting basic human needs.

113. Development was a long-term proposition in which progress depended on the choices made by political leaders in developing countries. Positive outcomes could be achieved when leaders governed responsibly, set in place productive policies and made investments conducive to development. In the absence of those preconditions good intentions alone could not ensure progress.

114. The achievement of development goals should be fostered by the promotion and protection of human rights as set out in the Universal Declaration of Human Rights. Economic development goals and objectives should be pursued in such a way that the development and environmental needs of present and future generations were taken into account. While those objectives aligned closely with the broader thrust of the draft resolution on the right to development, the United States was obliged to request a recorded vote. It would vote against the draft resolution, as it did not believe that it reflected consensus on the best approach to achieving those goals.

115. Resolutions on the right to development should not include unrelated material on topics that were being addressed elsewhere. Her country was not prepared to join the consensus on the possibility of negotiating a binding international agreement on the right to development, and could therefore not accept language in the resolution that contemplated an international legal standard of a binding nature. Additional theoretical work was likewise required to define more clearly the right to development and to explain how it was a fundamental human right. For those reasons the draft resolution did not meet the core concerns of the United States, although it would continue to engage constructively with the open-ended working group on the right to development in order to move forward on that important topic.

116. **Mr. Duddy** (United Kingdom) said that his country remained committed to the realization of the right to development for all individuals and it believed that the right to development was an integral part of human rights. It remained a major donor in providing development assistance in many regions of the world, with a clear focus on helping the poorest, and it had clearly demonstrated a profound understanding of the scale and importance of the right to development. For that reason his Government had committed itself to donate 0.7 per cent of its gross domestic product to official development assistance.

117. It believed, however, that it was the responsibility of States to create the conditions for the realization of the right to development. The lack of development in a particular country should not be used as a pretext to curtail or limit internationally-recognized human rights, including political and civil rights. Under the human rights treaties it was the individual States which had the responsibility to protect and develop their citizens, and there was no equivalent obligation between States.

118. The definition of the right to development was evolving and it was his country's position that the work of the open-ended working group on the right to development did not imply a process leading to an international legal standard of a binding nature. For that reason the United Kingdom was unable to vote in favour of the draft resolution. The right to development should evolve on a consensual basis avoiding politicization and should be built on the promotion and respect for civil, political, economic and cultural rights.

119. *At the request of the representative of United States of America, a recorded vote was taken on draft resolution A/C.3/66/L.35/Rev.1.*

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, France, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Singapore, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Canada, Israel, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Australia, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Hungary, Iceland, Italy, Japan, Latvia, Lithuania, New Zealand, Norway, Poland, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Sweden, the former Yugoslav Republic of Macedonia, Ukraine.

120. *Draft resolution A/C.3/66/L.35/Rev.1 was adopted by 140 votes to 5, with 28 abstentions.*

121. **Ms. Burgess** (Canada) said that her country supported the concept of the right to development that placed the individual at its core as both the main participant and beneficiary of development. The right to development was an important bridge between all human rights, and it was the primary responsibility of States to ensure the fulfillment of the right to development.

122. Canada had supported the 1986 Declaration on the Right to Development and had been actively engaged in discussions on the issue ever since. It nevertheless had serious concerns with respect to any legally-binding instrument. The international community should focus on developing and sharing best practices, as well as creating favourable conditions for individuals to realize their full development potential rather than seeking to create new legal obligations. Canada had therefore voted against the resolution.

Draft resolution A/C.3/66/L.38/Rev.1: The right to food.

123. **The Chair** said that the draft resolution contained no programme budget implications.

124. **Ms. Astiasaran Arias** (Cuba), introducing the draft resolution, said that Austria, Bahrain, Belgium, Cambodia, Cape Verde, Chile, Costa Rica, Croatia, Cyprus, Djibouti, Finland, France, Greece, Guinea-Bissau, Ireland, Italy, Luxembourg, Malaysia, Malta, Mongolia, Norway, Papua New Guinea, Portugal, Republic of Korea, Saint Lucia, Samoa, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Thailand, Togo, Tuvalu and United Arab Emirates had joined the sponsors.

125. In the third line of preambular paragraph 14 the word "massive" should be replaced with "substantial".

126. While the right to food was recognized in instruments which had been broadly accepted by the international community, the achievement of that right

remained elusive. The number of people suffering from hunger had increased dramatically despite the efforts of States and organizations around the world, with some 925 million people going hungry, primarily in developing countries.

127. Unless an adequate economic environment was fostered nationally and internationally it would be impossible to give adequate priority to what was a fundamental human right. Organizations, funds and programmes of the United Nations, as well as international financial institutions and States, should take the necessary measures to put an end to the food crisis and to defend food security.

128. **Mr. Gustafik** (Secretary of the Committee) said that Albania, Andorra, Bosnia and Herzegovina, Democratic Republic of the Congo, former Yugoslav Republic of Macedonia, Iceland, Japan, Lebanon, Lithuania, Mali, Mauritania, Monaco, Montenegro, Netherlands, Panama, Philippines, Republic of Moldova, Romania, San Marino, Serbia, Tunisia and Vanuatu had become sponsors.

129. *Draft resolution A/C.3/66/L.38/Rev.1 was adopted.*

130. **Ms. Phipps** (United States of America) said that her country was pleased to be able to join the consensus on the draft resolution. Improving global food security was a key foreign policy objective and her Government had pledged $3.5 billion over three years to help partner countries improve their agricultural value chains. It was committed to accelerating progress towards the Millennium Development Goals, including by investing in country plans to boost agricultural development in order to reduce by half the number of people living with hunger by 2015.

131. With regard to language in the resolution describing a continuing world food crisis, while it was generally agreed that the world was experiencing regional food crises and price volatility, her country and many other Member States did not believe that there was currently a world food crisis. That view was supported by organizations such as the Food and Agricultural Organization of the United Nations, which had issued warnings about high food prices but had made clear that the world was not facing a global food crisis. The resolution also omitted the significant role of conflict and lack of governance in causing regional food insecurity.

132. Although her country did not agree with the notion of a global food crisis it did support the assessment of the crisis in the Horn of Africa, where 13 million people were at risk of starvation. Assistance totaling $750 million had already reached some 4.6 million people, many of whom would otherwise have died from hunger and disease.

133. Joining the consensus on the resolution did not recognize any change in the current state of conventional or customary international law with respect to rights related to food. While everyone should have adequate access to food, the right to food should not be an enforceable obligation. The reference in the resolution to the right to food was interpreted in light of article 2.1 of the International Covenant on Economic, Social and Cultural Rights, in which States undertook to progressively achieve the full realization of economic, social and cultural rights to the extent to which they had assumed those obligations. The resolution was not to be interpreted as suggesting that States had any extraterritorial obligations with respect to the right to food. There was also concern over references in the resolution to unattributed scientific or technical statements.

134. By joining the consensus on the resolution her country highlighted its view that opening markets through international trade agreements, such as the Doha Round, could generate the economic growth necessary to promote development. At the same time the resolution would in no way undermine or modify commitments to existing trade agreements or the mandates of ongoing trade negotiations.

135. The implementation of the World Trade Organization (WTO) agreement on trade-related aspects of intellectual property rights (TRIPS) supported comprehensive approaches to food security by encouraging policies that enabled countries to use tools and incentives, including biotechnology, to promote food security. By joining the consensus on the resolution the United States supported the continued implementation of the TRIPS agreement, which provided for patent and plant variety protection systems to assist countries in achieving their goals of food security.

136. **Ms. Burgess** (Canada) said that her country supported the progressive realization of the right to adequate food as a component of the right to an adequate standard of living. It was therefore pleased to

be able to join the consensus on the draft resolution but had certain concerns. In paragraph 28 it wished to note that there was no established link between the TRIPS agreement and the concepts of food security and the right to food. Those issues did not appear in the TRIPS agreement. That paragraph simply encouraged WTO members to consider the manner in which they implemented the TRIPS agreement. It did not suggest that Member States should make substantive interpretations of the TRIPS agreement, nor did it instruct WTO members on how to implement the agreement. Nothing in the TRIPS agreement prevented States from pursuing the objectives of the right to food or to food security.

137. **Ms. Fontana** (Switzerland) said that her country was pleased to join the consensus on the draft resolution. It was, however, disappointed by the absence of any real negotiations in the Third Committee and could not therefore join the sponsors. It appealed for an inclusive negotiating process during the next session.

Agenda item 121: Revitalization of the work of the General Assembly

138. **The Chair** reminded the Committee that paragraph 15 of General Assembly resolution 65/315 had encouraged the Main Committees of the General Assembly to discuss their working methods at the sixty-sixth session, and that the Chairs of the Main Committees had been invited to brief the Ad Hoc Working Group on the Revitalization of the General Assembly on their discussions. An oral draft report of the Chair had been prepared and would be circulated to members once it had been finalized. It would be presented to the Ad Hoc Working Group during the sixty-seventh session of the General Assembly.

Draft proposal A/C.3/66/L.72

139. **The Chair** invited the Committee to consider its draft programme of work for the sixty-seventh session of the General Assembly as contained in document A/C.3/66/L.72. He would take it that the Committee wished to adopt its draft programme of work and transmit it to the General Assembly for approval.

140. *It was so decided.*

Completion of the work of the Third Committee

141. **The Chair** said that he wished to thank all the delegates for their support and for keeping their statements within the prescribed time limits. Presiding over the Third Committee had not always been easy, particularly with respect to the need to conduct numerous discussions and informal consultations regarding the order of speakers. Nevertheless good sense had prevailed and the substantive work of the Committee had been able to proceed.

142. After an exchange of courtesies in which **Mr. Babadoudou** (Benin), **Mr. Kimura** (Japan), **Ms. Ivanovic** (Serbia), **Ms. Astiasaran Arias** (Cuba) and **Ms. Williams** (New Zealand) took part, the Chair declared that the Third Committee had completed its work for the main part of the sixty-sixth session.

The meeting rose at 7.20 p.m.